

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CARMEN ANA MATOS RODRIGUEZ

DEBTOR

CASE NO 19-05618 ESL

CHAPTER 13

**DEBTOR'S REPLY TO TRUSTEE'S OBJECTION TO PROPOSED
POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329
DOCKET NO. 36
AND DEBTOR'S REQUEST TO WITHDRAW DEBTOR'S MOTION AND
NOTICE OF FILING OF POST-CONFIRMATION MODIFICATION OF
CHAPTER 13 PLAN 11 USC SECTION 1329, DOCKET NO. 34**

TO THE HONORABLE COURT:

COMES NOW, CARMEN ANA MATOS RODRIGUEZ, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed an objection to the Debtor's proposed post confirmation Plan modification, Docket No. 36, stating the following:

---that the Plan does not need to be modified because the same was completed by claims in March 2022;

---that the Trustee has returned to Debtor \$1,398.86, therefore, there are no funds available to pay the additional attorney's fees requested in the proposed modified Plan; and

--the Debtor should stop making payment to the Plan because all general unsecured claims were paid in full. *Trustee's Objection to Proposed Post Confirmation Plan Modification Under Section 1329*, at page 1, Docket No. 36.

2. The Debtor respectfully replies to the Trustee's objection to the proposed modified Plan, as follows.

A. Purpose of the Modified Plan of May 05, 2022 Docket No. 34:

3. The Debtor's confirmed Chapter 13 Plan provides for 36 payments of \$500.00, for a total Plan base of \$18,000. See: Debtor's *Amended Chapter 13 Plan*, Dated December 09, 2019 Docket No. 21 and *Order Confirming Plan*, Docket No. 25.

4. On April 25, 2022, at month 31 of the confirmed Plan, the Debtor visited the office of her undersigned attorney since on April 04, 2022 the Trustee had returned to the Debtor the sum of \$898.86. As of said date, April 25, 2022, the Debtor had sent to the Trustee another \$500.00 Plan payment, which payment was received by the Trustee on April 13, 2022 and had not been disbursed and/or returned.

5. After reviewing the Trustee's payments report for the Debtor's confirmed Plan, the Debtor became aware that all general unsecured claims had been paid in full (plus 4.25% interest).

6. Notwithstanding since this is a 36-months Plan, the Trustee's records reflected as of 04/25/2022 that the Debtor had incurred in Plan arrears and was "delinquent" in the sum of \$898.86. See attached copy of Trustee's Plan payments report as of 04/25/2022.

7. Therefore, in order to "cure" the delinquent status in the present Chapter 13 case, the Debtor filed the aforementioned modified Plan, Docket No. 34, in the above captioned case stating the following:

"...

2. This Plan modification is filed to amend Part 2, Section 2.1 in order to reduce the number of payments to the Trustee to 31 months from 36 months since the funds already paid into the Plan (\$15,000.00) paid all general unsecured claim in full (100% plus 4.25% interest)... ." *Debtor's Motion and Notice of Filing of Post-Confirmation Modification of Chapter 13 Plan 11 USC 1329*, Page 1, paragraph 2, Docket No. 34.

B. Debtor's Request to Withdraw the Debtor's Motion and Notice of Filing of Post-Confirmation Modification of Chapter 13 Plan 11 USC 1329, Docket No. 34.

8. Based on the *Trustee's Objection to Proposed Post Confirmation Plan Modification Under Section 1329*, Docket No. 36, the Debtor hereby respectfully requests to withdraw the *Debtor's Motion and Notice of Filing of Post-Confirmation Modification of Chapter 13 Plan 11 USC 1329*, Docket No. 34, in the above captioned case.

9. The Debtor hereby respectfully replies to the Trustee's unfavorable report on post confirmation modified Plan, Docket No. 36.

WHEREFORE the Debtor respectfully prays this Honorable Court that the Debtor's request to withdraw the *Debtor's Motion and Notice of Filing of Post-Confirmation Modification of Chapter 13 Plan 11 USC 1329*, Docket No. 34, be granted, in the above captioned case.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Jose Ramon Carrion Morales, Esq.; and also certify that I have mailed by United States Postal Service copy of this motion to the following CM/ECF non-participant: the Debtor, Carmen Ana Matos Urb Altos de La Fuente F6 Calle 1 Caguas PR 00727, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 19th day of May, 2022.

/s/ **Roberto Figueroa Carrasquillo**
USDC #203614
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Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Amount Due
1	10/2019	\$500.00	\$500.00	\$0.00
2	11/2019	\$500.00		\$500.00
3	12/2019	\$500.00	\$1,000.00	\$0.00
4	1/2020	\$500.00	\$500.00	\$0.00
5	2/2020	\$500.00	\$500.00	\$0.00
6	3/2020	\$500.00	\$500.00	\$0.00
7	4/2020	\$500.00	\$500.00	\$0.00
8	5/2020	\$500.00	\$500.00	\$0.00
9	6/2020	\$500.00		\$500.00
10	7/2020	\$500.00	\$500.00	\$500.00
11	8/2020	\$500.00	\$500.00	\$500.00
12	9/2020	\$500.00	\$500.00	\$500.00
13	10/2020	\$500.00	\$500.00	\$500.00
14	11/2020	\$500.00	\$500.00	\$500.00
15	12/2020	\$500.00	\$500.00	\$500.00
16	1/2021	\$500.00	\$500.00	\$500.00
17	2/2021	\$500.00		\$1,000.00
18	3/2021	\$500.00	\$1,000.00	\$500.00
19	4/2021	\$500.00	\$500.00	\$500.00
20	5/2021	\$500.00		\$1,000.00
21	6/2021	\$500.00	\$1,000.00	\$500.00
22	7/2021	\$500.00	\$500.00	\$500.00
23	8/2021	\$500.00	\$500.00	\$500.00
24	9/2021	\$500.00	\$500.00	\$500.00
25	10/2021	\$500.00	\$1,000.00	\$0.00
26	11/2021	\$500.00	\$500.00	\$0.00
27	12/2021	\$500.00	\$500.00	\$0.00
28	1/2022	\$500.00		\$500.00
29	2/2022	\$500.00	\$500.00	\$500.00
30	(Closed: 4/22) 3/2022	\$500.00	\$500.00	\$500.00
31	(Closed: 4/22) 4/2022		(\$398.86)	\$898.86

Total Delinquent Amount: \$898.86
